UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERIC LEE PORTERFIELD,   )   CASE NO. 4:21-cv-2401
)
        Petitioner,   )   JUDGE SARA LIOI
)
        v.   )
)   **ORDER OF TRANSFER**
WARDEN TIM McCONAHAY,   )
)
        Respondent.   )

Pro se petitioner Eric Lee Porterfield ("Porterfield") is a state prisoner confined at the Mansfield Correctional Institution. He has filed a petition, under 28 U.S.C. § 2254, for a writ of habeas corpus, challenging his convictions for aggravated murder, attempted aggravated murder, kidnapping, aggravated burglary, and aggravated robbery in the Trumbull County Court of Common Pleas, Case No. 00-cr-402. (Doc. No. 1.)

Porterfield has already filed federal habeas corpus petitions challenging these convictions under § 2254. Porterfield's first petition was denied as procedurally defaulted. *Porterfield v. Smith*, No. 4:10-cv-340, 2011 WL 2111849 (N.D. Ohio May 26, 2011). And he was denied leave to file second or successive petition in 2020. *See Porterfield v. Warden Sheldon*, No. 4:19-cv-2021 (N.D. Ohio Feb. 20, 2020).

Title 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application under § 2254 is filed in the district court, the applicant must "move in the

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appropriate court of appeals for an order authorizing the district court to consider the application." *See also Keith v. Bobby*, 618 F.3d 594, 599–600 (6th Cir. 2010). Unless the court of appeals has given approval for the filing of second or successive petition, the district court must transfer the petition to the court of appeals. *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Porterfield does not indicate he has sought and obtained authorization from the Sixth Circuit Court of Appeals to file a second or successive petition challenging his convictions. Accordingly, pursuant to *In re Sims*, this action is hereby transferred to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

Dated: February 4, 2022

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HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

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